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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenneth E. Flick

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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

10/19/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

09/993,930

Applicant(s)

FLICK, KENNETH E.

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 8/6/07 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1971.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 15-24, 26-29, 31-34, 36, 37, 39-48, 50-60 and 62-71 is/are rejected.
- 7) ☒ Claim(s) 2, 14, 25, 30, 35, 38, 49 and 61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the applicant's amendment-after non-final rejection which is filed August 6, 2007.

Claims 1-71 are pending.

Response to Arguments

Applicant's arguments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 102(b) as discussed below. Applicant's arguments with respect to the pending claims 1-71, filed August 6, 2007, have been fully considered but they are not persuasive for at least the following reasons.

On page 21, last paragraph, Applicant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode is not persuasive.

As defined by claim 1, the transmitter and receiver system for controlling the coding in a transmitter and receiver of Liotine et al. that when it is desired to change the identification code, a program mode switch 41 is closed in the receiver and the micro-computer recalls from the non-

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volatile memory the last stored code. Using this code as a start, it performs a random number generation algorithm and stores the newly generated code in the non-volatile memory and immediately transmits the new code through a light emitting diode 36. The transmission format with the light emitting diode 36 at the receiver continues until the program mode switch is turned off. During the energization of the light emitting diode in the receiver, the transmitter is placed in close proximity to the receiver so that it detects the code from the light emitting diode and the new code is then stored in the memory of the transmitter which then produces a flashing ready signal to indicate to the operator that the programming cycle has been completed. Although in this specification the code is shown as being generated in the receiver, it is to be realized that the code could also be generated in the transmitter and furnished to the receiver (column 1 lines 39 to 59; see Figures 1 to 4). When the program switch 41 is opened the receiver 30 is returning to the normal mode of operation with newly generated code stored in the non-volatile memory 34. If a programming signal is received, the transmitter 9 decodes the incoming information and if the checksum is correct stores the new code in its non-volatile memory 13 and outputs a flashing ready signal by LED 92 to indicate that the programming cycle has been completed (column 5 lines 30 to 34; see Figure 2). Clearly, the programming of the new transmitter or receiver is finished when the program switch is opened and the indicator flashing ready signal to indicate the programming cycle has been completed. In other words, the controller cooperating with the indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode.

On page 22, first paragraph, Applicant's arguments with respect to the invention in Liotine et al. disclose the transmitter LED lights based upon the programming cycle being

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completed and not whether the program mode switch 41 is in program mode or operation mode is not persuasive. The transmitter 9 must received a valid programming signal for the transmitter 9 to decoded. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous to lights until the program mode switch 41 is in opened. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned.

On page 22, second paragraph, Applicant's arguments with respect to the invention in Liotine et al. does not teach or suggest that at least one remote switch for causing said controller to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned is not persuasive.

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous to lights until the program mode switch 41 is in opened. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned. Furthermore, the program mode switch 41 and the microcomputer 30 are cooperating with the LED 92 of the transmitter to indicate flash ready signal.

On page 22, last paragraph, Applicant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the at least one indicator for continuously/repeatedly indicating whether a new uniquely coded remote transmitter has been learned is not persuasive

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous or repeatedly to lights until the program mode switch 41 is in opened. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned continuously or repeatedly. Furthermore, the program mode switch 41 and the microcomputer 30 are cooperating with the LED 92 of the transmitter to indicate flash ready signal.

On page 23, second paragraph, Applicant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the at least one indicator for indicating that the learning mode has recently been exited is not persuasive

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in

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programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous or repeatedly to lights until the program mode switch 41 is in opened or exited. In other words, the transmitter LED 92 indicates whether a new uniquely code has been exited when the indicator is not flashing ready signal.

Furthermore, the program mode switch 41 and the microcomputer 30 are cooperating with the LED 92 of the transmitter to indicate flash ready signal.

Therefore, the examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-13, 15-24, 26-29, 31-34, 36, 37, 39-48, 50-60 and 62-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Liotine et al. (US# 64,529,980).

Referring to claims 1, 13, 34, 48 and 60, Liotine et al. disclose a method and remote control system for garage door openers and other devices as recited in claims 1, 13, 24, 29, 34, 48 and 60. See Figures 1-9 and respective portions of the apparatus and method.

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Liotine et al. disclose the remote control system for garage door openers and other devices include a flashing ready signal to indicate to the operator that the programming cycle has been completed (column 1 lines 52 to 55; see Figure 2),

at least one uniquely coded remote transmitter (9) (column 2 lines 44 to 58; see Figure 1); and a receiver (30) being switchable by a program mode switch (41) to a programming mode for learning a unique code of a remote transmitter (9) to define a learned remote transmitter (9), said receiver (30) also being switchable to a door moving mode (i.e. a normal mode) for moving the access door based upon receiving a signal from the learned remote transmitter (9) (column 3 lines 10 to column 4 lines 34; see Figures 3 and 4);

said receiver (30) cooperating with said the flashing ready signal to indicate to the operator that the programming cycle has been completed based upon said receiver (30) being switched to the normal mode by the program switch being opened (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 2 to 4).

Referring to Claims 24 and 29, Liotine et al. disclose a remote control system for moving an access door, to the extent as claimed with respect to claim 1 above, said controller cooperating with said at least one indicator for continuously or repeatedly (i.e. state of repeatedly flash to indicate the program is completed is continuously indicating) a new uniquely coded remote transmitter has been learned (column 5 lines 30 to 34; see Figure 2).

Referring to claims 3, 15, 39, 50 and 62, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein indication of whether a

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new uniquely coded remote transmitter has been learned comprises indicating (i.e. flashing) a change in a number of learned remote transmitters (i.e. output selected channel for approximately 6 second) (column 5 lines 2 to 16; see Figure 4).

Referring to claims 4, 16, 40, 51 and 63, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, wherein said receiver (30) cooperates with said at least one indicator for indicating a change in a unique code of learned remote transmitters (column 5 lines 30 to 34; see Figure 4).

Referring to claims 5, 17, 26, 31, 36, 52 and 64, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein said at least one indicator comprises at least one of a visual flashing ready signal (column 5 lines 30 to 34; see Figure 2).

Referring to claims 6, 18, 27, 32, 41, 53 and 65, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising a remote door switch (22) for switching said receiver (30) to the door moving mode (column 2 lines 52 to 58; see Figure 1).

Referring to claims 7, 37, 42, 54 and 66, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, further comprising a remote indicator switch (41) (i.e. a program mode switch) for causing said receiver (30) to cooperate

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with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 8, 19-20, 43, 55 and 67, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising: at least one light connected to said controller and being energized when said controller is switched to the door moving mode; and a remote light switch for also causing said at least one light to be energized, and for causing said controller to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 9, 21, 44, 56 and 68, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 34, 48 and 60, wherein said at least one uniquely coded remote transmitter comprises a learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) for causing said receiver (30) to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 2 lines 48 to 58; column 3 lines 57 to 61; see Figure 1).

Referring to claims 10, 22, 45, 57 and 69, Liotine et al. disclose the method and the remote control system according to Claims 9, 21, 44, 56 and 66, wherein said receiver comprises a RF receiver (32) and a transmitter (36) and wherein said at least one uniquely coded remote transmitter (9) comprises a remote a RF receiver (21) and a transmitter (11) (column 2 lines 44 to

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column 3 line 8; see Figures 1 and 3) and a remote indicator associated therewith so that selection of said learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) causes said receiver (30) to cooperate with said remote indicator via said RF receiver/transmitter and programming signal receiver/transmitter for indicating whether a new uniquely coded remote transmitter (9) has been learned (column 1 lines 45 to 59; column 5 lines 30 to 34).

Referring to claim 11, 46, 58 and 70, Liotine et al. disclose the method and the remote control system according to Claims 1, 34, 48 and 60, wherein the learned remote transmitter transmits a pseudo randomly coded signal to said receiver (30) (column 1 lines 42 to 48; column 3 lines 34 to 43; column 4 lines 47 to 54; see Figures 1 and 3).

Referring to claim 12, 23, 28, 33, 47, 59 and 71, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein the access door comprises a garage door (column 1 lines 18 to 22).

Allowable Subject Matter

Claims 2, 14, 25, 30, 35, 38, 49 and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Referring to claims 2, 14, 25, 30, 38, 49 and 61, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein indication of whether a new uniquely coded remote transmitter has been learned comprises indicating a number of learned remote transmitters.

Referring to claim 35, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein said at least one indicator progressively indicates a passage of time since the learning mode has been exited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
October 10, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER